

UNITED STATES DISTRICT COURT

for the
Middle District of North CarolinaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)INFORMATION RE: INSTAGRAM USER 303290283
THAT IS STORED AT PREMISES CONTROLLED BY
INSTAGRAM, LLCCase No. 1:17MJ 292-1

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
Information associated with the captioned Facebook account stored at premises owned, maintained, controlled or operated by Facebook, Inc., as further described in Attachment A.

located in the Northern District of California, there is now concealed *(identify the person or describe the property to be seized)*:

Evidence of the crimes of 18 U.S.C. §§ 371, 924(c), 1951, and 2119, as further described in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1951(a);	Interference With Commerce by Robbery
18 U.S.C. § 2119; and,	Carjacking
18 U.S.C. § 924(c)(1)(A)(ii)	Brandishing a Firearm in Furtherance of a Crime of Violence

The application is based on these facts:

See attached Affidavit.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

ATF TFO Michael Chamberlin

Printed name and title

Sworn to before me and signed in my presence.

Date: 8/24/17 11:35 AM

City and state: Durham, North Carolina



Judge's signature

Joe L. Webster, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF THE SEARCH
OF INFORMATION ASSOCIATED
WITH INSTAGRAM USER
303290283 THAT IS STORED AT
PREMISES CONTROLLED BY
INSTAGRAM, LLC

Case No. 1:17MJ 292-1

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Michael Chamberlin, being first duly sworn, hereby depose and state
as follows:

INTRODUCTION AND BACKGROUND

1. I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and am currently assigned to the Raleigh, North Carolina Field Office, having been so deputized since June 2014. I am also a detective with the Durham Police Department, with whom I have been employed as a law enforcement officer since February 2007. In my capacity as an ATF Task Force Officer, I have been involved with the investigation of various forms of federal crimes, including violations of the federal firearms statutes as well as violent crimes. Through my training and experience, I have become familiar with Federal criminal laws.

2. I am investigating Russell Lee Wright, III., aka “Trigger” aka “Trez” aka “Trigg” (hereinafter “Wright”), Jamel Tyree Lunsford aka “Action” aka “Beaver” (hereinafter “Lunsford”), Thomas Wayne Stanback aka “Chief” (hereinafter “Stanback”), Elijah Rakwon Swain (hereinafter “Swain”), and others, both known and unknown, for violations of, *inter alia*, 18 U.S.C. § 1951 (interference with commerce through robbery), 18 U.S.C. § 2119 (carjacking), 18 U.S.C. § 924(c) (the use of firearms in connection with federal crimes of violence), and 18 U.S.C. § 371 (related conspiracies), occurring in the Middle District of North Carolina and the Eastern District of North Carolina.

3. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), (b)(1)(A), and (c)(1)(A) to require Instagram, LLC, (“Instagram”) a social-networking company owned by Facebook, Inc. and headquartered in San Francisco, California, to search their records pertaining to the user “303290283,” further described in Attachment A, and to disclose to the government copies of the records and other information (including the content of communications) related to this account particularly described in Sections I and II of Attachment B, which constitute evidence of the crimes under investigation.

4. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. *See* 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

5. The information contained in this affidavit is based on my personal involvement in this investigation as well as information obtained from other members of law enforcement. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation, and have set forth only those facts I believe are necessary for said purpose.

PROBABLE CAUSE

6. From my review of publicly available information provided by Instagram about its service, including Instagram’s “Privacy Policy,” I am aware of the following about Instagram and about the information collected and retained by Instagram.

7. Instagram owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.instagram.com>. Instagram allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and other information.

Users can access Instagram through the Instagram website or by using a special electronic application (“app”) created by the company that allows users to access the service through a mobile device.

8. Instagram permits users to post photos to their profiles on Instagram and otherwise share photos with others on Instagram, as well as certain other social-media services, including Flickr, Facebook, and Twitter. When posting or sharing a photo on Instagram, a user can add to the photo: a caption; various “tags” that can be used to search for the photo (e.g., a user made add the tag #vw so that people interested in Volkswagen vehicles can search for and find the photo); location information; and other information. A user can also apply a variety of “filters” or other visual effects that modify the look of the posted photos. In addition, Instagram allows users to make comments on posted photos, including photos that the user posts or photos posted by other users of Instagram. Users can also “like” photos.

9. Upon creating an Instagram account, an Instagram user must create a unique Instagram username and an account password. This information is collected and maintained by Instagram.

10. Instagram asks users to provide basic identity and contact information upon registration and also allows users to provide additional identity information for their user profile. This information may include the

user's full name, e-mail addresses, and phone numbers, as well as potentially other personal information provided directly by the user to Instagram. Once an account is created, users may also adjust various privacy and account settings for the account on Instagram. Instagram collects and maintains this information.

11. Instagram allows users to have "friends," which are other individuals with whom the user can share information without making the information public. Friends on Instagram may come from either contact lists maintained by the user, other third-party social media websites and information, or searches conducted by the user on Instagram profiles. Instagram collects and maintains this information.

12. Instagram also allows users to "follow" another user, which means that they receive updates about posts made by the other user. Users may also "unfollow" users, that is, stop following them or block the, which prevents the blocked user from following that user.

13. Instagram allow users to post and share various types of user content, including photos, videos, captions, comments, and other materials. Instagram collects and maintains user content that users post to Instagram or share through Instagram.

14. Instagram users may send photos and videos to select individuals or groups via Instagram Direct. Information sent via Instagram Direct does not appear in a user's feed, search history, or profile.

15. Users on Instagram may also search Instagram for other users or particular types of photos or other content.

16. For each user, Instagram also collects and retains information, called "log file" information, every time a user requests access to Instagram, whether through a web page or through an app. Among the log file information that Instagram's servers automatically record is the particular web requests, any Internet Protocol ("IP") address associated with the request, type of browser used, any referring/exit web pages and associated URLs, pages viewed, dates and times of access, and other information.

17. Instagram also collects and maintains "cookies," which are small text files containing a string of numbers that are placed on a user's computer or mobile device and that allows Instagram to collect information about how a user uses Instagram. For example, Instagram uses cookies to help users navigate between pages efficiently, to remember preferences, and to ensure advertisements are relevant to a user's interests.

18. Instagram also collects information on the particular devices used to access Instagram. In particular, Instagram may record "device

identifiers,” which includes data files and other information that may identify the particular electronic device that was used to access Instagram.

19. Instagram also collects other data associated with user content. For example, Instagram collects any “hashtags” associated with user content (i.e., keywords used), “geotags” that mark the location of a photo and which may include latitude and longitude information, comments on photos, and other information.

20. Instagram also may communicate with the user, by email or otherwise. Instagram collects and maintains copies of communications between Instagram and the user.

21. On October 19, 2016, A.G. reported the theft of his tan Nissan Altima (XZB-3611) to officers from the Durham Police Department (“DPD”). A.G. told police that earlier in the day his grandson, Wright, visited him for the first time in ten years. Wright asked what time he would be home from his doctor visit later that day. When he got home from this appointment, his .380 caliber handgun and his tan Nissan Altima (XZB-3611) were gone.

22. On October 21, 2016, victim T.Y. reported the theft of his blue Hyundai Sonata (EBD-2174) from a gas station. The store attendant told police that the blue Hyundai Sonata (EBD-2174) was stolen by a suspect who got out of a Nissan Altima. Responding officers located the stolen tan Nissan

Altima (XZB-3611), and stopped Swain and two women leaving the area on foot. Swain told police that Wright picked him up earlier that day in the Altima. Both women told police that they were riding in the Altima with Trez (Wright), and that they thought the car belonged to his grandfather. One woman told police that Action (Lunsford) stole a car at the gas station. Police forensics processed the tan Nissan Altima (XZB-3611), and recovered latent fingerprints belonging to Lunsford on the exterior of the front door, rear door, and rear quarter panel, and fingerprints belonging to Swain on the hood.

23. On October 24, 2016, at approximately 3:20 p.m., the stolen blue Hyundai Sonata (EBD-2174) was used as the getaway car during a robbery of the Speed EEZ convenience store located at 1624 Glenn School Road in Durham, North Carolina. The stolen car parked at the gas pumps in front of the store, and multiple suspects wearing dark hoodies entered the store. One suspect brandished a handgun. The suspects took money from the cash register. A deputy recognized one of the suspects on the surveillance footage as Lunsford, whom he had encountered previously in a traffic stop.

24. On October 24, 2016, at approximately 9:10 p.m., DPD officers responded to an armed robbery at Golden Subs and Pizza located at 2300 Chapel Hill Road in Durham, North Carolina. Witnesses told responding officers that multiple suspects wearing dark hoodies robbed the store. At

least one suspect brandished a handgun. The suspects took the cash register. One of the victims subsequently picked Lunsford out of a lineup with 98% certainty as one of the suspects who robbed the store.

25. On October 27, 2016, DPD officers found the stolen blue Hyundai Sonata (EBD-2174). The car had been abandoned. Forensics recovered a latent fingerprint belonging to Wright on the trunk of the car and latent fingerprints belonging to Lunsford on the hood and rear quarter panel.

26. On October 26, 2016, at approximately 6:22 p.m., DPD officers responded to Cook Road in Durham, North Carolina, in response to a call about a carjacking. The reporting party, P.C., told responding officers that he gave a ride to three young men. At the end of the ride, one pulled a small-caliber, black semi-automatic handgun from his pocket. The suspects pulled P.C. from his car and threw him to the ground. The three suspects fled in P.C.'s 2004 white Chevrolet Impala (EEX-7267). P.C. was later shown a photographic lineup, and was unable to identify any suspects.

27. On October 26, 2016, at approximately 9:43 p.m., DPD officers responded to an armed robbery at the Subway located at 3600 Hillsborough Road in Durham, North Carolina. Witnesses reported to responding officers that multiple suspects robbed the store. One suspect brandished an item described as a black handgun. The suspects emptied the cash register and

fled in a Chevrolet Impala. One of the witnesses was later shown a photographic lineup, and was unable to identify any suspects.

28. On October 26, 2016, at approximately 10:24 p.m., DPD officers attempted to stop the stolen white Chevrolet Impala (EEX-7267). The driver fled at speeds in excess of 90 mph before crashing in the front yard of 3814 Fayetteville Street. Officers discovered a jacket in the front passenger seat that had a fake black handgun in the pocket. Forensics recovered latent fingerprints matching Swain on the exterior rear door and latent fingerprints matching Lunsford on the exterior rear door, gas tank door, and rear quarter panel.

29. On November 23, 2016, DPD officers responded to a carjacking at 67 Stonewall Way in Durham, North Carolina. The victim, R.V., reported that she got out of her car to check her mail at her apartment complex. She was approached by a suspect who pointed a silver gun at her and said, "Ma'am, step away from the car." The suspect then got into the driver's seat of her car. Another suspect climbed into the passenger seat. The suspects drove away in R.V.'s 2007 grey/silver Honda Accord (YNY-7712). R.V.'s neighbor told officers that both suspects arrived in another vehicle, driven by a third suspect, which followed R.V. into the complex.

30. On November 27, 2016, officers with the Raleigh Police Department responded to an armed robbery at the Wingstop located at 7880 Alexander Promenade Place in Raleigh, North Carolina. Witnesses reported that multiple suspects robbed the store. One suspect brandished a small-caliber, semiautomatic handgun with a silver slide and black frame. One suspect wore navy-blue shoes with a gold tongue. The suspects forced the manager to open the register and safe. The suspects took money from the registers and money from the safe, which was in blue deposit bags marked "AM" and "PM." The suspects fled in a silver Honda Accord. Forensics recovered a latent fingerprint on the store safe that matched Lunsford.

31. Later on November 27, 2016, DPD officers responded to an armed robbery at the Circle K located at 2322 N.C. Hwy 54 East in Durham, North Carolina. The clerk reported that multiple suspects robbed the store. One brandished a handgun. The suspects took cash from the register and cigarettes. The suspects also stole the clerk's cell phone. The clerk told police that the suspects fled in a silver Honda Accord with a license plate ending in "7212." Police forensics responded and recovered a latent fingerprint matching Wright from a tan cigarillo wrapper that was located on the floor between the register counter and the cigarette display.

32. On December 3, 2016, at approximately 8:40 p.m., DPD officers responded to a carjacking call at 215 William Penn Plaza in Durham, North Carolina. The victim, C.Y., reported that she was exiting her vehicle in her apartment complex parking lot when a suspect approached. The suspect pushed a silver revolver into her side and said, "Give me the keys." The suspect took the keys and fled in C.Y.'s 2011 red GMC Terrain (XVK-2296). Officers contacted OnStar, which tracked the vehicle using GPS and locked the vehicle's ignition. Durham County Sheriff's Office deputies recovered the vehicle in the parking lot of a business. Police forensics responded to process the vehicle at approximately 10:30 p.m., less than two hours after the theft. A Latent fingerprint was recovered from the C.Y.'s cell phone, which was left on the driver's seat. This fingerprint matched Stanback. C.Y. was later shown a photographic lineup, and was unable to identify any suspects.

33. On December 4, 2016, at approximately 9:34 p.m., DPD officers responded to an armed robbery at New Top China restaurant located at 5324 New Hope Commons Drive in Durham, North Carolina. Witnesses reported that multiple suspects robbed the store. One suspect brandished a handgun. The suspects took cash from the store as well as an employee's cell phone and keys before fleeing in a small silver vehicle.

34. On December 4, 2016, at approximately 10:40 p.m., DPD officers responded to an armed robbery at Tommy's Citgo located at 1805 South Miami Boulevard in Durham, North Carolina. The cashier reported that multiple suspects robbed the store. One suspect brandished a silver handgun. The suspects took cash, New Port cigarettes, Game cigars, and the cashier's wallet, all of which they put into a paper bag taken from under the counter. The suspects fled in a silver Honda Accord.

35. On December 8, 2016, at approximately 9:34 a.m., DPD officers responded to an armed robbery at the Cricket Wireless store located at 1213 University Drive in Durham, North Carolina. Witnesses reported that multiple suspects robbed the store. One suspect brandished a black revolver. The suspects took cash from the register and multiple cell phones, before fleeing in a silver Honda Accord bearing the license plate (YNY-7712).

36. On December 8, 2016, at approximately 11:15 a.m., school surveillance cameras captured Stanback parking the stolen 2007 grey Honda Accord (YNY-7712) across the street from Lakeview High School in Durham, North Carolina. Police reviewed past surveillance video footage from the school and discovered that Stanback had driven the stolen 2007 grey Honda Accord (YNY-7712) to school on December 1st, 2nd, 5th, and 8th. Officers attempted to confront Stanback at school, but he fled.

37. The school had seized an Apple iPhone 5S from Stanback, as phones were not allowed in class. Officers obtained a search warrant to examine the phone, IMEI number 352027066640100, telephone number 919-885-3808. The phone contained a picture of a black revolver. The contact list on the phone included an entry for "Trigg" with the listed number 704-293-2657.

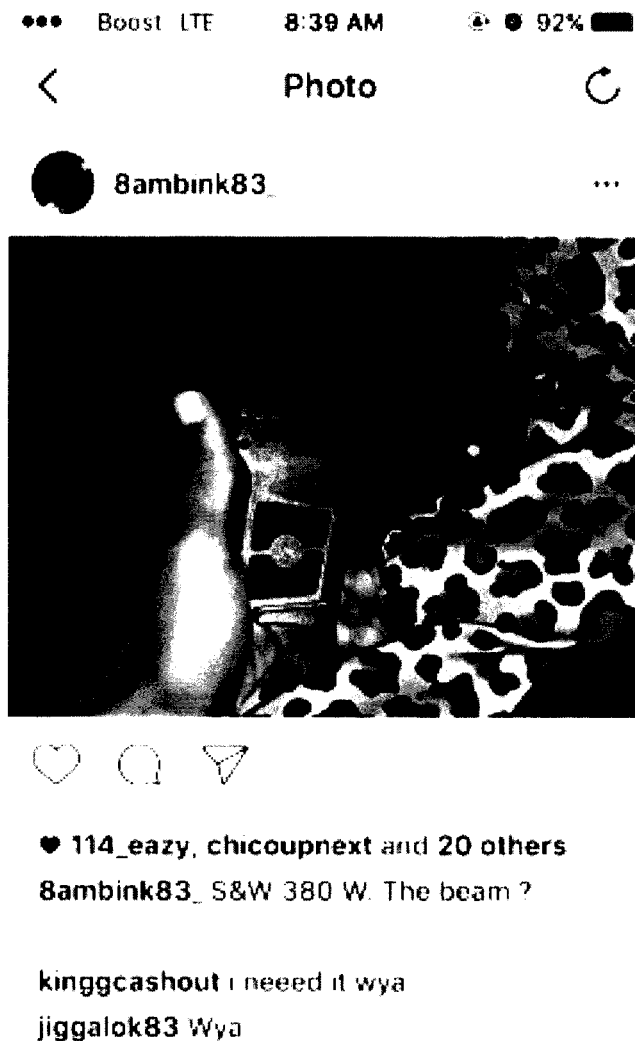
38. In reviewing the contents, I observed that the Apple iPhone 5S seized from Stanback by the school had the Instagram application installed. The accounts section of the phone, listed the Instagram user ID as "303290283." Log entries associated with this Instagram app show network data usage on November 29, 2016, and daily between December 1, 2016, and December 8, 2016. The phone data reflects that "cookies" associated with the Instagram app were accessed on December 3rd, 7th, and 8th. I observed numerous images on the phone depicting screen shots of the Instagram application.

39. The phone also contained a saved contact named "Toot" with the listed number 919-514-5429. I observed the following text message sent from the phone to the contact named Toot on December 5, 2016:

Timestamp: 12/5/2016 1:40:05 PM(UTC+0)
To: +19195145429 Toot*
Subject: No subject
Body: He want 300 for it

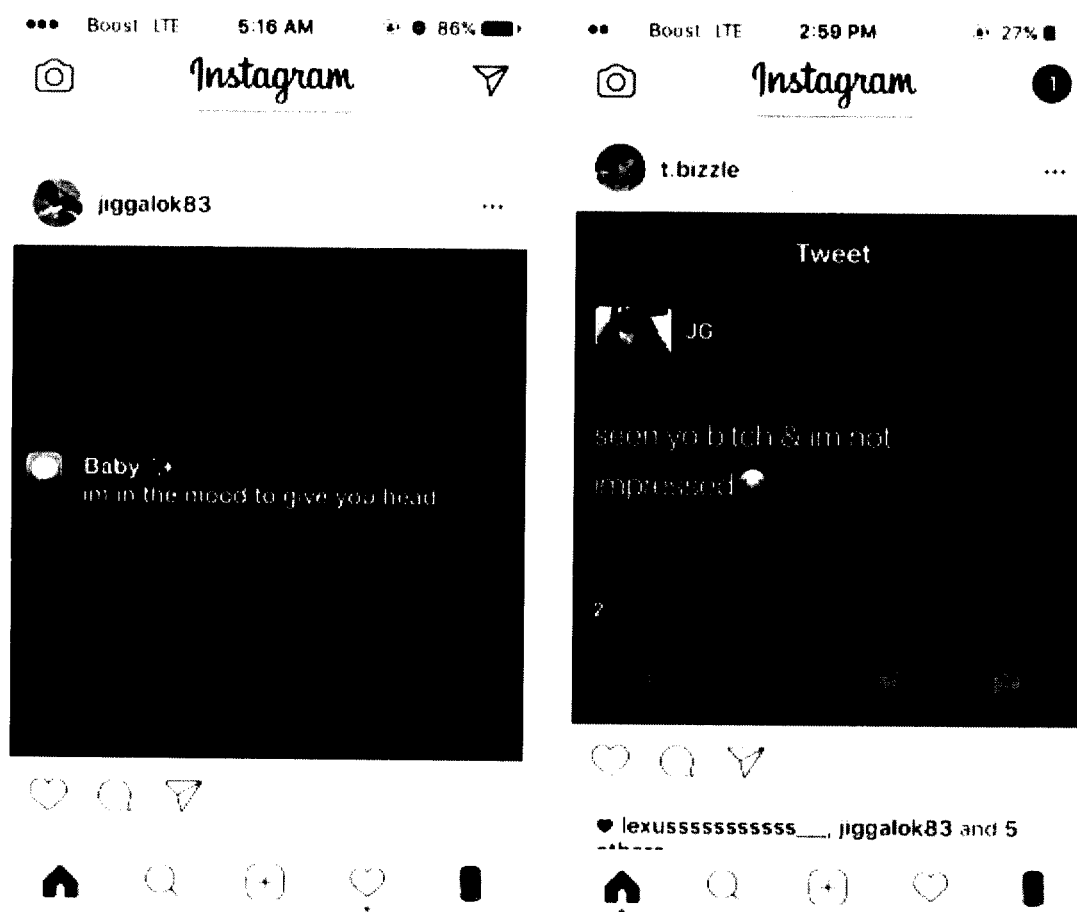
Attachments: IMG_0273.PNG
Status: Sent

The attached file, included below, appears to be a screen shot of an Instagram post in which the user “8ambink83_” is displaying a Smith and Wesson .380 caliber handgun.



I believe that Stanback is telling Toot that the Instagram user “8ambink83_” is selling the pictured Smith and Wesson .380 caliber handgun

for \$300 (“He want 300 for it”) (sic). I am familiar with the Instagram phone application, and recognize this image as an Instagram post. In addition, I noticed that several users comment on this post, including the user “jiggalok83.” I recognize this as an Instagram username from several other saved images on the cell phone, including the following two posts containing that username and the Instagram heading:



40. I observed the following subsequent text message exchange between Toot and the phone:

Inbox	From +19195145429 TooT*	12/5/2016 5:28:08 PM(UTC+0)	Chit tell him we want it
Sent	To +19195145429 TooT*	12/5/2016 6:22:55 PM(UTC+0)	I'm finna sign myself outta school
Sent	To +19195145429 TooT*	12/5/2016 6:37:48 PM(UTC+0)	He gne let me gt it for 200
Inbox	From +19195145429 TooT*	12/5/2016 6:49:01 PM(UTC+0)	Tell him we want it today
Inbox	From +19195145429 TooT*	12/5/2016 6:49:12 PM(UTC+0)	U got 200
Sent	To +19195145429 TooT*	12/5/2016 6:49:20 PM(UTC+0)	They not tryнна let me outta class he tryнна sell it to me left now

In this exchange, I believe that Toot was telling Stanback that they wanted the gun (“Chit tell him we want it”). I also believe that Stanback purchased the gun from the Instagram user that day for \$200 (“He gne let me gt it for 200,” “Tell him we want it today,” and “...he tryнна sell it to me left now”) (sic).

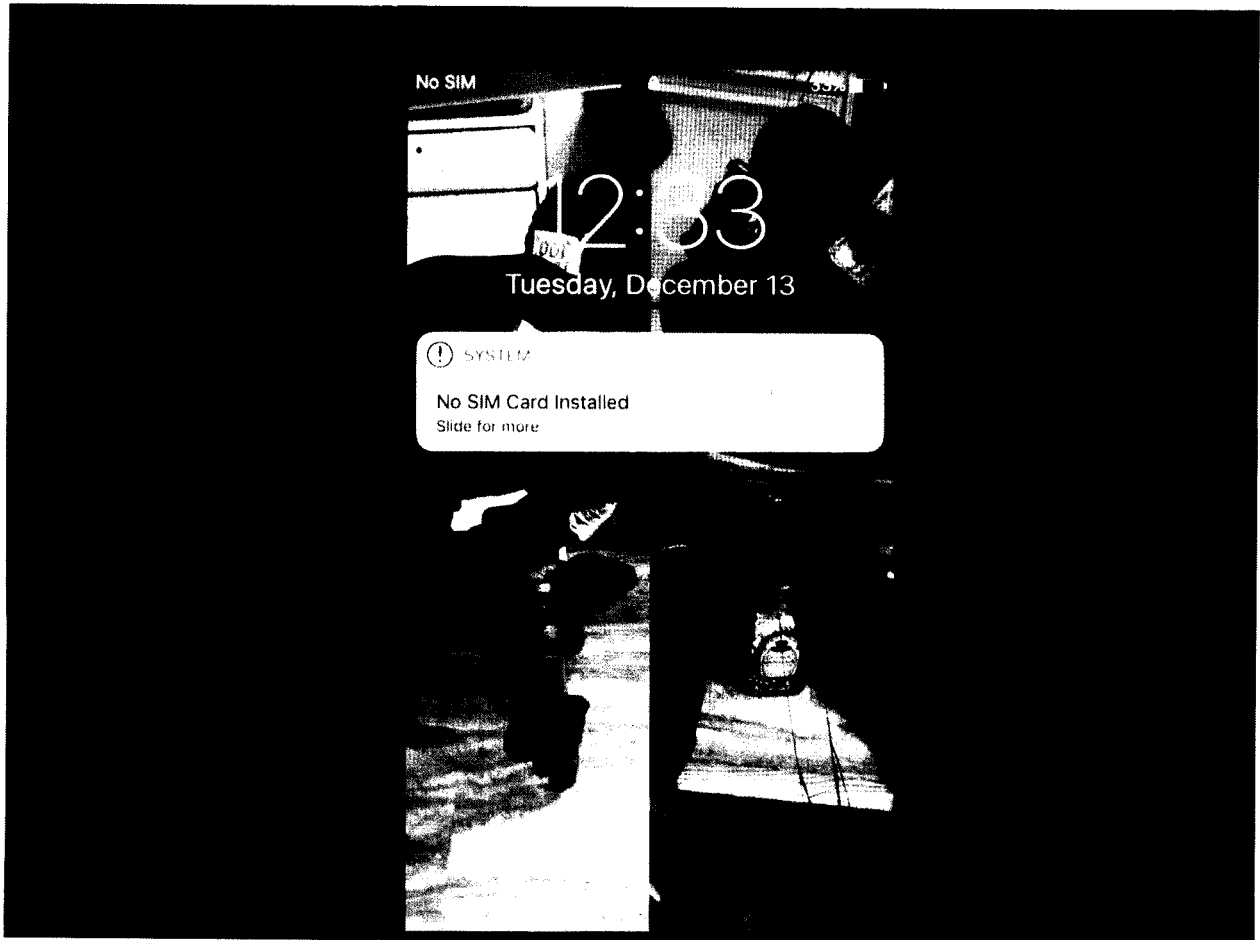
41. Officers obtained a search warrant and examined the stolen 2007 grey Honda Accord (YNY-7712). Officers recovered a latent fingerprint matching Stanback on a cup in the center console. Paperwork in the car bore his name. Police found a mask and gloves in the car, along with a single .38 caliber bullet on the back seat. Inside the glove box, officers found the wallet stolen from the clerk during the robbery of Tommy’s Citgo on December 4,

2016. In the center console, officers discovered the cell phone stolen from an employee during the robbery of New Top China on December 4, 2016. In the trunk, police found the blue deposit bags marked "AM" and "PM" consistent with those stolen in the robbery of Wingstop on November 27, 2016. Officers also found navy blue shoes with gold tongues in the trunk consistent with the shoes worn by a suspect in that same robbery.

42. The next day, on December 9, 2016, members of the United States Marshal's Service task force arrested Stanback and Wright at a Red Roof Inn in Durham, North Carolina. Their room was searched pursuant to a search warrant. Inside, officers found a black .357 revolver consistent with the one pictured on Stanback's phone. This gun was loaded with .38 caliber ammunition consistent with the ammo found in the stolen Honda Accord (YNY-7712). Officers also found a large paper bag containing Newport cigarettes and Game cigars consistent with the merchandise stolen from Tommy's Citgo on December 4, 2016. Forensics found latent fingerprints in the room that matched Wright, Stanback, and Lunsford.

43. Officers recovered multiple cell phones from the room. One of these phones was an Apple iPhone 6, bearing IMEI number 359316065963123, associated with the telephone number 704-293-2657. This is the telephone number saved in Stanback's phone described in Paragraphs

37-40 above as the contact "Trigg." DPD officers obtained a state search warrant to examine this phone. Officers were unable to bypass the passcode; however, they were able to determine that the device was named "Trez iPhone." The lock screen on the phone depicted Wright holding a gun and cash.



44. On January 11, 2017, at approximately 12:02 p.m., DPD officers responded to a carjacking in the parking lot of the Bed Bath and Beyond located at 3616 Witherspoon Boulevard in Durham, North Carolina. The reporting party, M.G., told officers that she got out of her car and turned

around to find a suspect pointing a black pistol pointed at her. The suspect demanded her keys and reached to grab them. The suspect fled in M.G.'s 2013 teal Honda CRV (RZT-400). That same day around 5:00 p.m., DPD officers received a call about suspicious activity. The caller reported that two suspects wearing gloves were wiping down a blue Honda CRV and a red Toyota in the parking lot of his business. Responding officers found the stolen 2013 teal Honda CRV (RZT-400), backed into the driveway of a nearby vacant house at 417 Salem Street. Officers discovered personal property from the stolen car in a dumpster on Salem Street. Forensics recovered fingerprints from a CD discarded in the dumpster, which matched Lunsford. M.G. was subsequently shown a photographic lineup. She initially identified two photographs as individuals who could have been the person who stole her car, before choosing the picture of Lunsford, stating that his photo seemed more like the person who stole her car.

45. On January 15, 2017, at approximately 9:45 p.m., DPD officers responded to a carjacking at the apartment complex located at 2920 Chapel Hill Road, in Durham, North Carolina. The victim, C.R., reported that two suspects approached her after she parked her father's 2015 blue Honda Accord (DKH-6915). One suspect brandished a black handgun, the other a silver revolver. One of the suspects told C.R. to "Gimme all your stuff" (sic).

The suspects patted her down and took money and her driver's license. The suspects then fled in the 2015 blue Honda Accord (DKH-6915).

46. On January 18, 2017, DPD officers recovered the stolen 2015 blue Honda Accord (DKH-6915), which had been abandoned in the parking lot of Town Campus Apartments at 910 West Trinity Avenue. At the time of its recovery, the vehicle was running, a door was ajar, and it was playing music. Forensics recovered fingerprints from the rear quarter panel, which matched Lunsford.

47. On January 24, 2017, officers arrested Lunsford on outstanding warrants. At the time of his arrest, Lunsford had in his possession a cellular telephone, IMEI number 359578071164554, with the telephone number 919-590-2408. Officers obtained a search warrant and examined the phone. The phone had the Facebook messenger application and the Facebook application installed. The phone contained information about a Google Photos account bearing the name "Jamel Lunsford," and a Google Drive account bearing the username "jamellunsford1997@gmail.com." In response to a text asking "who is this???" The user of the phone responded "Action."

48. The phone contained the follow text conversation in which the parties appear to discuss the November 27, 2016, armed robbery of the

Wingstop located at 7880 Alexander Promenade Place in Raleigh, North Carolina:

Inbox	From +19195145429	1/23/2017 5:55:17 PM(UTC-5)	Read	Jus got off the phone wit trigger
Sent	To +19195145429	1/23/2017 5:56:07 PM(UTC-5)	Sent	Wrd up wht he talking bout
Inbox	From +19195145429	1/23/2017 6:11:19 PM(UTC-5)	Read	Nun wat we doing he love us he jus got the boxing a blood nigga snuck him in the line for food and him and another nigga broke his face
Sent	To +19195145429	1/23/2017 6:18:47 PM(UTC-5)	Sent	Ain't it's sum trey niggaz in there wit em
Inbox	From +19195145429	1/23/2017 6:19:34 PM(UTC-5)	Read	Hell yeah trigger in them put him in the hospital
Sent	To +19195145429	1/23/2017 6:20:09 PM(UTC-5)	Sent	Wrd up he say wht them folks talking bout
Inbox	From +19195145429	1/23/2017 6:20:43 PM(UTC-5)	Read	They talking 5-8 for Realigh wing stop
Inbox	From +19195145429	1/23/2017 6:20:54 PM(UTC-5)	Read	He said that's wat the judge said
Sent	To +19195145429	1/23/2017 6:21:39 PM(UTC-5)	Sent	Do they got proof
Inbox	From +19195145429	1/23/2017 6:22:05 PM(UTC-5)	Read	No they shouldn't doe that's wat I gotta ask him
Sent	To +19195145429	1/23/2017 6:22:53 PM(UTC-5)	Sent	Chief got charge with tht t2
Inbox	From +19195145429	1/23/2017 7:01:25 PM(UTC-5)	Read	Hell yeah trigger jus told me eligh took his time he got 3-5 he in prison
Sent	To +19195145429	1/23/2017 7:25:08 PM(UTC-5)	Sent	Took his tyme for wht
Inbox	From +19195145429	1/23/2017 7:26:01 PM(UTC-5)	Read	For the chit they said he snitched about
Sent	To +19195145429	1/23/2017 7:27:08 PM(UTC-5)	Sent	Oh ok cuz if u tke a plea that make everybody look guilty
Inbox	From +19195145429	1/23/2017 7:27:51 PM(UTC-5)	Read	Hell yeah

The other party to this conversation has a phone number ending in “5429.” This is the same telephone number associated with the contact “Toot” in Stanback’s phone described in Paragraphs 37-40 above. I believe that in this conversation, Toot and Lunsford are talking about Wright (Trigger). At this

time, Wright had pending charges related to the Wingstop robbery in Wake County case number 16CR224329. I believe that these texts discuss how much time Wright is facing for this charge (“they talking 5-8 for Realigh wing stop”) (sic). I believe they also discuss whether the state has any evidence (“Do they got proof” and “No they shouldn’t doe that’s wat I gotta ask him”) (sic). I believe that they are discussing the fact that Stanback (Chief) was also charged with the robbery (“Chief got charge with tht t2”) (sic). At this time, Stanback had pending charges related to the Wingstop robbery in Wake County case number 16CR224330. I also believe that these texts discuss Elijah Swain serving a sentence of imprisonment (“Hell yeah Trigger just told me Eligh took his time he got 3-5 he in prison”) (sic). I believe that they are discussing the fact that Swain’s sentence was for a different offense, which they thought was a good thing because his plea could make them all look guilty (“Took his tyme for wht,” “for the chit they said he snitched about,” and “oh ok cuz if u tke a plea that make everybody look guilty”) (sic). At this time, Swain was serving an active sentence of twenty-five months minimum to forty-two months maximum as a result of his plea of guilty on January 3, 2017, in the Superior Court of Durham County in case number 14CRS58064 to the felony offense of conspiracy to commit robbery with a dangerous weapon with a listed date of offense of August 24, 2014.

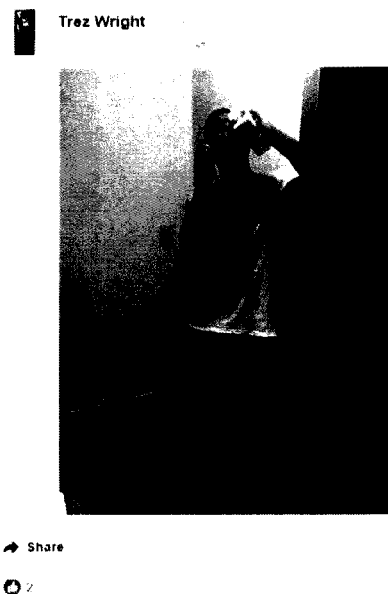
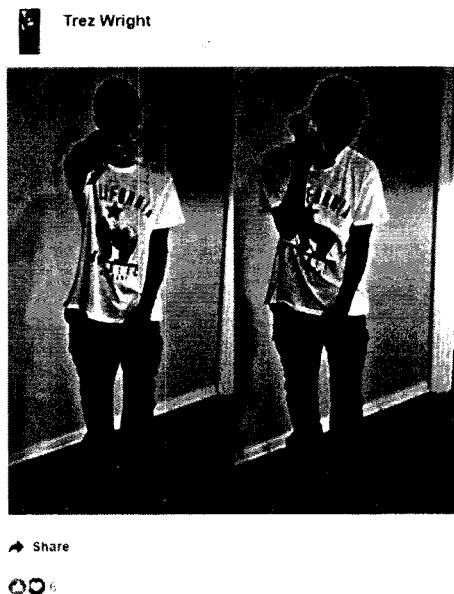
49. As part of my investigation, I attempted to identify Facebook and other social media accounts associated with Wright, Stanback, Lunsford, and Swain and to review the publicly available information on each.

50. One of the accounts I reviewed was the Facebook user "InsaneRyder" with Facebook ID "1536034846," available at www.facebook.com/InsaneRyder. This account displayed the name "Trez Wright." I believe that this account belongs to Wright.

51. I have reviewed booking photographs of Wright, and I am familiar with what he looks like. In reviewing the Facebook page for user "InsaneRyder," I observed numerous pictures of Wright, including a profile picture, uploaded on December 8, 2016, which appears to depict Wright holding cash.



52. In addition, I observed two cover photos updated on September 10, 2016, which both appear to depict Wright holding cash.



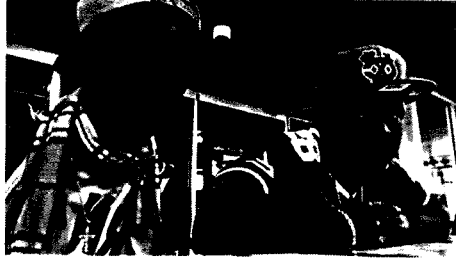
53. I watched a video on the Facebook page for the user “InsaneRyder,” dated September 17, 2016, which appears to depict Wright holding cash while standing over a silver and black handgun. A screenshot taken from this video is included below.



54. I have reviewed booking photographs of Lunsford, and I am familiar with what he looks like. Two of the cover photos associated with the user “InsaneRyder” appear to depict Wright and Lunsford together. The first was updated on November 22, 2016. This picture appears to depict Wright standing on the left side of the image in gold clothing, and Lunsford on the right side of the image in blue clothing.



Trez Wright



Share



55. The second cover photo was updated on October 29, 2016. This picture appears to depict Wright standing on the right side of the image in red clothing, Lunsford in the center of the image holding cash, and Swain on the left side of the image in black and grey clothing..



Another Facebook user displaying the name “Beaver Loc” commented on this image. “Beaver Loc” and “Trez Wright” are listed as Facebook friends.

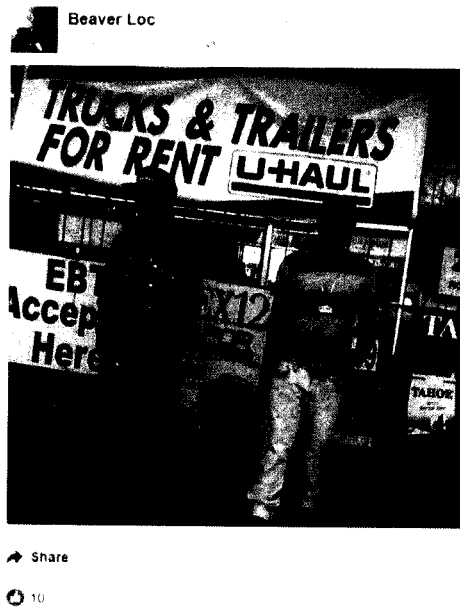
56. I reviewed the publicly available Facebook page for the user displaying the name “Beaver Loc.” This page is associated with Facebook user “jamel.lunsford” with Facebook ID “100002312558268,” available at www.facebook.com/jamel.lunsford. This account displays both the names “Beaver Loc” and “Action.” The profile page states that the user lives in Durham, North Carolina and is from Durham, North Carolina. I believe that this account belongs to Lunsford.

57. In reviewing the Facebook page for user “jamel.lunsford,” I observed numerous pictures of Lunsford, including a profile picture, uploaded

on February 21, 2016, which appears to depict Lunsford holding cash. A handgun is visible on Lunsford's lap.



58. One of the cover photos uploaded by user “jamel.lunsford” on November 23, 2016, appears to depict Wright and Lunsford together. This photo appears to depict Wright standing on the left side of the image in a gold cap, and Lunsford on the right side of the image in a blue cap.



59. While reviewing the Facebook page for user “jamel.lunsford,” I observed a photo uploaded by the user on November 4, 2016, which depicts four individuals brandishing handguns. I believe that the individual on the far right of the image wearing blue is Lunsford, and the individual to the left wearing a black shirt is Wright.



Beaver Loc



Share

5

60. Another one of the accounts I reviewed was Facebook user “thomas.stanback.56” with Facebook ID “100003516505154,” available at www.facebook.com/thomas.stanback.56. This account displayed the user name as “Thomas Stanback.” The profile page for this account states that the user lives in Durham, North Carolina and is from Durham, North Carolina. The profile page also states that the user attended Southern High School. I

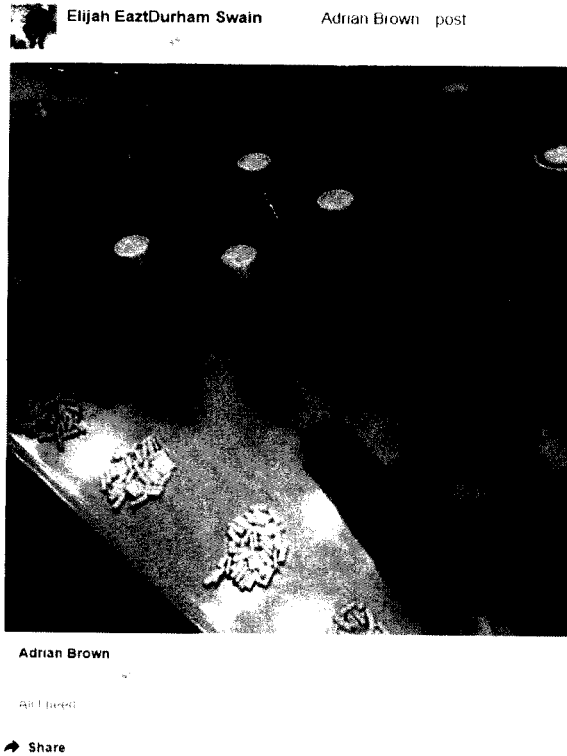
know that Stanback attended Southern High School. I believe that this account belongs to Stanback.

61. I have reviewed booking photographs of Stanback, and I am familiar with what he looks like. In reviewing the Facebook page for user "thomas.stanback.56," I observed numerous pictures of Stanback. The profile page for this user does not show any publicly visible activity since April of 2015.

62. Another one of the accounts I reviewed was Facebook user "elijah.swain.37" with Facebook ID "100001205943752," available at www.facebook.com/elijah.swain.37. This account displayed the user name as "Elijah EaztDurham Swain." The profile page for this account states that the user is from Durham, North Carolina. I believe that this account belongs to Swain.

63. I have reviewed booking photographs of Swain, and I am familiar with what he looks like. In reviewing the Facebook page for user "elijah.swain.37," I observed numerous pictures of Swain.

64. While reviewing the profile page for user "elijah.swain.37," I observed that on June 16, 2016, the user shared a post from another user entitled "All I need." This post includes a picture of pills, liquid medicine bottles, and guns.



65. I also observed a picture dated October 11, 2015, which depicts Swain holding a handgun loaded with an extended magazine.



66. I also saw that previously, on May 25, 2014, the user “elijah.swain.37,” had uploaded a picture of a loaded extended magazine.



CONCLUSION

67. The information stored in connection with the Instagram account identified in Attachment A may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation. In my training and experience, an Instagram user’s account activity, IP log, stored electronic communications, and other data retained by Instagram, can indicate who has used or controlled the Instagram account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, direct messaging logs, shared photos and videos, and captions

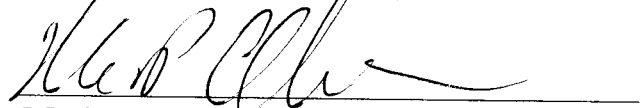
(and the data associated with the foregoing, such as geo-location, date and time) may be evidence of who used or controlled the Instagram account at a relevant time. Further, Instagram account activity can show how and when the account was accessed or used. For example, as described herein, Instagram logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Instagram access, use, and events relating to the crime under investigation. Additionally, Instagram builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Instagram “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Instagram account owner. Finally, Instagram account activity may provide relevant insight into the Instagram account owner’s state of mind as it relates to the offense under investigation. For example, information on the Instagram account may indicate the owner’s motive and intent to commit a crime (e.g., information

indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

68. Based on the forgoing, I believe that there is probable cause to believe that evidence of violations of 18 U.S.C. §§ 371, 924(c), 1951, and 2119 are contained in the records of the Instagram user account identified in Attachment A, and I request that this Court issue a warrant requiring Instagram to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.


69. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. Because the warrant will be served on Instagram, who will then compile the requested records at a time convenient to it, there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,



Michael Chamberlin
ATF Task Force Officer

Subscribed and sworn to before me this the 24th day of August, 2017.



Joe L. Webster
United States Magistrate Judge

11:35 AM

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Instagram profile with user “303290283,” that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC, a company that is owned by Facebook, Inc. and headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Instagram

To the extent that the information described in Attachment A is within the possession, custody, or control of Instagram, LLC, including any messages, records, files, logs, or information that have been deleted but are still available to Instagram, LLC, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Instagram, LLC is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol ("IP") address at the time of sign-up;
- d. All activity logs including IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;

- e. All information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information, including all information about the particular device or devices used to access the account and the date and time of those accesses;
- f. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- g. All communications or other messages sent or received by the account;
- h. All user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other content;
- i. All photographs and images in the user gallery for the account;
- j. All location data associated with the account, including geotags;
- k. All data and information that has been deleted by the user;
- l. A list of all of the people that the user follows on Instagram and all people who are following the user (i.e., the user’s “following” list and “followers” list), as well as any friends of the user;
- m. A list of all users that the account has “unfollowed” or blocked;

- n. All privacy and account settings;
- o. All records of Instagram searches performed by the account, including all past searches saved by the account;
- p. All information about connections between the account and third-party websites and applications; and,
- q. All records pertaining to communications between Instagram, LLC and any person regarding the user or the user's Instagram account, including contacts with support services, and all records of actions taken, including suspensions of the account.

II. Information to be seized by the government

All information described above in Section I that constitutes evidence of violations of 18 U.S.C. §§ 371, 924(c), 1951, and 2119, contained in the records of the user identified on Attachment A, in the form of the following:

- (a) Information relating to the identity of the person(s) who created or used the account;
- (b) Information related to phones utilized by the person(s) who created or used the account or any of the above-listed suspects (Wright, Swain, Stanback, and Lunsford);
- (c) Information relating to the location of the user of the account at times relevant to the offenses under investigation;
- (d) Information relating to the relationship(s) between or amongst the above-listed suspects (Wright, Swain, Stanback, and Lunsford) including but not limited to communications, joint photographs, or mutual associations;
- (e) Information related to the identity of any other individual who participated in, solicited, aided and abetted, or conspired to commit the listed offenses;

- (f) Information related to the planning or commission of robberies; the possession of firearms, ammunition, or other weapons; or the possession of cash, jewelry, or other fruits of criminal activity;
- (g) Information related to membership in or association with any criminal street gang; and,
- (h) Information related to the appearance and clothing of the above-listed suspects (Wright, Swain, Stanback, and Lunsford) at times relevant to the offenses under investigation.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Instagram, LLC, and my official title is _____. I am a custodian of records for Instagram, LLC. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Instagram, LLC, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Instagram, LLC; and
- c. such records were made by Instagram, LLC as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature